

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

Golden Bethune-Hill, *et al.*,

Plaintiffs,

v.

Virginia State Board of Elections, *et al.*,

Defendants.

Civil Action No. 3:14-cv-00852-REP-
AWA-BMK

**Defendant-Intervenors' Statement Regarding
Plaintiffs' Revised Second Motion for Attorney Fees**

The Court's September 25, 2019 order (as amended on October 17, 2019) required Plaintiffs to resubmit their motion for attorney fees and allowed briefing by the parties on that motion. *See* ECF Nos. 399, 401. The Court also scheduled a tentative hearing for January 13, 2020. Plaintiffs filed their second motion for attorney fees on October 28. *See* ECF No. 402.

As the Court likely knows, elections to the House of Delegates occurred on November 5, and the Democratic Party obtained a majority of the seats and won control of the chamber from the Republican Party. As a result, prior to the January 13 hearing, Intervenor Kirk Cox will no longer be Speaker of the House, and Democratic House leaders will obtain the right to control the House's positions in this litigation. The law firm Baker & Hostetler is unlikely to be retained to represent the new speaker or the House in this or any other matter.

The undersigned counsel therefore recommend that the Court defer any decision on Plaintiffs' motion for attorney fees, at least as regards the interests of the House of Delegates, until Democratic leadership assumes control, determines the position of the newly constituted House of Delegates, and identifies counsel of choice to advance that position. In any event, the undersigned counsel are not authorized to take any further position on behalf of the House or current or future Speaker on Plaintiffs' motion.

Dated: November 25, 2019

Respectfully Submitted,

/s/ Katherine L. McKnight

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of November, 2019, a copy of the foregoing was filed and served on all counsel of record pursuant to the Court's electronic filing procedures using the Court's CM/ECF system.

/s/ Katherine L. McKnight
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